

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

_____ STATE OF ALASKA,)	
)	Case No. 24-396L
Plaintiff,)	
)	Judge Richard A. Hertling
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

THE UNITED STATES' UNOPPOSED MOTION FOR AN EXTENSION OF TIME

In accordance with Rules 6(b) and 6.1 of the Rules of the United States Court of Federal Claims ("RCFC"), the United States moves the Court for an order extending its time to respond to Plaintiff's complaint to September 3, 2024. In support thereof, it states as follows:

1. Plaintiff filed its complaint on March 14, 2024. ECF No. 1
2. The United States' response to Plaintiff's complaint is due today, August 26, 2024. *See* Docket; *see also* ECF No. 8.
3. Plaintiff alleges that the EPA's exercise of its authority under Section 404(c) of the Clean Water Act to prohibit and restrict certain discharges of dredged or fill material into waters of the United States has effected a taking of its property and breached certain contractual obligations.
4. Plaintiff has also sued the EPA in the District Court for the District of Alaska, challenging EPA's exercise of its Section 404(c) authority under the Administrative Procedure Act. *Alaska v. U.S. Env't Prot. Agency*, No. 3:24-cv-84 (D. Alaska).
5. While the United States has several defenses it may raise here through a motion to dismiss, the United States has reached out to Plaintiff's counsel about jointly proposing a stay, to

conserve the parties' and Court's resources while the APA litigation proceeds in district court.¹

A stay may be the most efficient course, consistent with Rule 1, given that the district court litigation may inform the scope and extent of any claims in this case, including as to the question of the legality of EPA's action.

6. To allow time for the parties to continue conferring over a possible joint request for a stay, the United States respectfully requests an extension of its deadline to respond to Plaintiff's complaint. It requests an extension of eight days, to September 3, 2024. This is the United States' third request for an extension of this deadline. Its prior two extensions totaled 105 days.

7. The United States conferred with counsel for Plaintiff, who informed the United States that Plaintiff does not oppose this motion.

Accordingly, for the reasons set forth above, the United States requests that the Court enlarge its time for responding to Plaintiff's complaint to September 3, 2024.

¹ In doing so, and by filing this request for an extension, the United States is not waiving any defenses, such as a lack of jurisdiction in accordance with 28 U.S.C. § 1500.

Respectfully submitted this 26th day of August, 2024,

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